

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOHN COREY FRASER, on behalf of himself)	
and all others similarly situated as a Class,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:22CV00410
)	
BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS, AND EXPLOSIVES, et al.,)	
)	
Defendants.)	
_____)	

CONSENT MOTION FOR EXTENSION OF TIME AND BRIEF IN SUPPORT THEREOF

COMES NOW, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Acting Director of ATF Marvin Richardson, and Attorney General Merrick Garland (collectively Defendants), by counsel, and respectfully move for a brief 14-day extension of time in which to move, answer, or otherwise respond to Plaintiff's complaint. In support thereof, Defendants state the following:

Plaintiff filed his complaint in this action on June 1, 2022. The Office of the United States Attorney was served by certified mail pursuant to the provisions of Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure. The envelope containing process is postmarked with the date of August 26, 2022. Process was received by the Office of the United States Attorney on August 29, 2022. Pursuant to Local Civil Rule 4(A), service on Defendants was deemed effective as of the date on the postmark, or August 26, 2022. Accordingly, Defendants' motion, answer, or other responsive pleading is due 60 days thereafter, or on Tuesday, October 25, 2022.

Defendants seek a brief 14-day extension of time until Tuesday, November 8, 2022, in which to respond to Plaintiff's complaint. Defendants anticipate filing a dispositive motion, but preparation of that motion has been delayed by the work schedules of undersigned counsel. Defendants respectfully

submit that it is in the interest of judicial economy to grant this extension to allow Defendants sufficient time to properly address the issues raised in Plaintiff's complaint.

Undersigned counsel has conferred with counsel for Plaintiff, and Plaintiff does not oppose the relief sought in this motion.

A proposed order is attached hereto.

WHEREFORE, Defendants respectfully request that the Court grant Defendants a brief 14-day extension of time, up to and including Tuesday, November 8, 2022, in which to move, answer, or otherwise respond to Plaintiff's Complaint, and for such further relief as the Court deems just and proper.

Dated: October 11, 2022

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: /s/
Jonathan H. Hambrick
VSB #37590
Attorney for the Defendants
Office of the United States Attorney
600 East Main Street, Suite 1800
Richmond, Virginia 23219
(804) 819-5400 (phone)
(804) 819-7417 (fax)
jay.h.hambrick@usdoj.gov

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

MICHAEL P. CLENDENEN (D.C. Bar # 1660091)
Trial Attorney
DANIEL RIESS
Senior Counsel

U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 305-0693
Fax: (202) 616-8460
michael.p.clendenen@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Elliott Harding, Esquire
Harding Counsel, PLLC
608 Elizabeth Avenue
Charlottesville, VA 22901

/s/ _____
Jonathan H. Hambrick
VSB No. 37590
Attorney for the Defendants
Office of the United States Attorney
919 East Main Street, Suite 1900
Richmond, Virginia 23219
Telephone: (804) 819-5400
Facsimile: (804) 771-2316
Email: jay.h.hambrick@usdoj.gov